

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

LODA OKLA LLC, and)	
VICTORIA TIME CORP.,)	
)	
Claimants/Movants,)	
)	
v.)	Case No. 13-CV-191-JED-FHM
)	
MICKEY OVERALL,)	
GINETTE OVERALL, and)	
AMERICAN NATURAL RESOURCES, LLC,)	
)	
Respondents/Objectors.)	

**RESPONDENTS' OBJECTION TO MOTION
TO CONFIRM ARBITRAL AWARD**

Mickey Overall, Ginette Overall, and American Natural Resources, LLC ("ANR"), Respondents in the arbitration proceeding at issue, hereby object to the Motion to Confirm Arbitral Award, filed herein on July 15, 2014 (Dkt. # 32) (the "Motion to Confirm").

Except for reciting the fact that the parties had an agreement which provided for arbitration of disputes and describing that an arbitration took place, the sole basis for the Motion to Confirm is the following statement: "[n]o motion has been made to vacate, modify, or correct the award. No grounds exist to vacate, modify, or correct the award, and accordingly, Movants request confirmation of the award and entry of judgment in accordance with the award pursuant to Sections 9 and 13 of the Federal Arbitration Act, 9 U.S.C. §§ 9, 13." (Dkt. # 32, at 2).

The first sentence is technically correct. But as set forth in the Overalls' and ANR's Verified Notice of Intent to Seek Vacation of Arbitration Award in

accordance with 9 U.S.C. § 12, filed contemporaneously herewith, the Overalls and ANR intend to file a motion to vacate (and/or modify or correct) the arbitral award within the time period prescribed by 9 U.S.C. § 12. The Overalls' and ANR's recently retained counsel have already determined that grounds exist for filing a motion to vacate, modify, and/or correct the arbitral award. This determination is based solely upon consultation with trial counsel at the arbitration and a preliminary review of pleadings and documents. Once counsel has the arbitration trial transcript—which is not yet available—numerous additional grounds will become apparent and supportable by record citation.

Therefore, as there are bases for the Overalls and ANR to seek vacation (and/or modification or correction) of the arbitral award at issue in the Motion to Confirm, the Court should not confirm the arbitral award, at least until it adjudicates, or at least simultaneously considers, the Overalls' and ANR's motion to vacate, modify, or correct the award. Such a motion shall be filed within the statutory period for filing, which Congress has expressly allowed at anytime within three (3) months after an arbitral award is entered.

CONCLUSION AND REQUESTED RELIEF

The Overalls and ANR intend to file a motion to vacate, modify, and/or correct the arbitral award that the Motion to Confirm seeks to have entered. Any basis for vacating, modifying, or correcting the award would be at least a partial defense to the Motion to Confirm. As such, the Court should defer its consideration

of the Motion to Confirm until it has the Overalls' and ANR's motion in that regard properly before it in accordance with 9 U.S.C. § 12.

Respectfully submitted,

/s/ Joel L. Wohlgemuth

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**ATTORNEYS FOR MICKEY OVERALL, GINETTE
OVERALL, AND AMERICAN NATURAL
RESOURCES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2014 I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Graydon D. Luthey, Esq.

/s/ Joel L. Wohlgemuth
Joel L. Wohlgemuth